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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,920	12/13/2001	Linh N. Pham	DP305717 (65899-0135)	2231

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EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,920

Applicant(s)

PHAM ET AL.

Examiner

Laura Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20, 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6- 7, 14 is/are rejected.
- 7) ☒ Claim(s) 8-13 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election-requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milne in view of Basel, U. S. Patent No. 6341166.

Regarding claims 1, 3-4, and 14, Milne et al. (herein, Milne) discloses distributed signal processing for vehicle audio systems. Milne inherently discloses a radio controller as evident by the radio (10); and a host computer (24) which provides various operating parameters to the audio system of various vehicles, which reads a data table accessible by a radio controller – figure 1, col. 1, lines 47-67, col. 2, lines 1-3 and col. 4, lines 33-41. However, Milne fails to the host computer storing a unique set of personal listening preferences, therein as claimed.

Regarding storing a unique set of personal listening preferences, Basel disclose an audio system (which may be within a vehicle as implied – col. 1, lines 43-49) with a data memory in which a plurality of personal settings may be stored (col. 2, lines 26-42, and col. 6, lines 61-67 and col. 7, lines 1-17).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Milne by implementing a data memory with a plurality of personal settings for the purpose of enhancing the listening experience for a listener.

Regarding claim 2, Milne and Basel disclose everything claimed as applied above (see claim 1). Milne and Basel further discloses parameters such as equalization coefficients, volume adjusting parameters, loudness coefficient and speaker gains, (col. 1, lines 65-col. 2, lines 1-3-Milne and col. 2, lines 26-42-Basel), which indicates the claimed limitation.

Regarding claim 6, Milne and Basel disclose everything claimed as applied above (see claim 1). Milne and Basel (Milne) further discloses the audio output by the speakers (22) based on the stored parameters necessary for the respective vehicle.

Regarding claim 7, Milne and Basel discloses everything claimed as applied above (see claim 1). Milne and Basel (Milne) further discloses a library of vehicle profiles with the corresponding audio system parameters stored, therein (col. 4, lines 34-50), which reads on the claimed limitation.

3. Claims 18-20, 22-23 are allowed.

4. Claims 8-13, 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-20, and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

The applicant essentially argues that the prior art of record, Milne fails to disclose the a data table for storing a unique set of preference alignment settings in corresponding to personal listening preferences. A new reference of prior art has been provided that provides support of


providing a data memory with audio parameters and characteristics or preferences that reflect personal listening preferences for a listener.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Grier whose telephone number is 571-272-7518. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura Grier
Primary Examiner
Art Unit 2644

December 12, 2005